

UNITED STATES DISTRICT COURT

for the

Southern District of Illinois

FILED

NOV 05 2014

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

EDWARD S. KINOLE

EUGENE KINOLE

Plaintiff

v.

Case Number:

14-1253-SMY-SCW
(Clerk's Office will provide)

Mayor Will STEPENS, City of Murphysboro

STREET, WATER, SANITATION DEPARTMENT
KINKAID REEDS CONSERVATION DIST.
Defendant(s)

PRO SE CIVIL RIGHTS COMPLAINT

(Non-Prisoner)

I. JURISDICTION

Subject matter jurisdiction is invoked under 28 U.S.C. § 1331, 28 U.S.C. § 1343(a)(3), and/or 42 U.S.C. § 1983. List any additional bases for federal subject matter jurisdiction here:

II. PARTIES

Plaintiff: EDWARD KINOLE, S.

A. Plaintiff, a citizen of ILLINOIS (state), who resides at 406 N. LEWIS AVE - WAUKEGAN, IL 60085, alleges that his/her

civil rights were violated by the individual(s) named below.

Defendant #1:

B. Defendant Will STEPENS is employed as
(a) (Name of First Defendant)

MAYOR CITY OF MURPHYSBORO
(b) (Position/Title)

with 1101 WALNUT STREET
(c) (Employer's Name and Address)

MURPHYSBORO, IL 62966

At the time the claim(s) alleged this complaint arose, was Defendant #1 employed by the state, local, or federal government? ☐ Yes ☒ No

If your answer is YES, briefly explain:

Check one of the following:

☐ This defendant **personally participated** in causing my injury, and I want **money damages**.

☒ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone to something).

Defendant #2:

C. Defendant STREET, WATER SANITATION DEPT. is employed as
(Name of Second Defendant)

DEPARTMENT of PUBLIC WORKS
(Position/Title)

with 316 N. 12TH STREET - MURPHYSBORO, IL 62966
(Employer's Name and Address)

At the time the claim(s) alleged in this complaint arose, was Defendant #2 employed by the state, local, or federal government? ☐ Yes ☒ No

If you answer is YES, briefly explain:

Check one of the following:

☐ This defendant **personally participated** in causing my injury, and I want **money damages**.

☒ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone to something).

Defendant #3:

D. Defendant KEN YAMAMOTO is employed as
(Name of Third Defendant)

SUPERINTENDENT OF WATER SYSTEM
(Position/Title)

with KINKAID REEDS CONSERVATION
(Employer's Name and Address)

1763 WATER PLANT RD - MURPHYSBORO, IL 62966

At the time the claim(s) alleged in this complaint arose, was Defendant #3 employed by the state, local, or federal government? ☒ Yes ☐ No

If you answer is YES, briefly explain: INSTALLED WATER LINE AND REMOVED BRUSHES + TREES TO GAIN ACCESS OF A WATER CLEAN OUT DRAIN THAT IS LOCATED ON MY PROPERTY, WHICH IS LOCATED IN THE COUNTY OF JACKSON

Check one of the following:

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone to something).

Additional Defendant(s) (if any):

E. Using the outline set forth above, identify any additional Defendant(s), using additional pages, if necessary.

III. PREVIOUS LAWSUITS

A. Have you begun any other lawsuits in this federal court?

☐ Yes ☒ No

B. If your answer to "A" is YES, describe each lawsuit in the space below. If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper using the same outline.

1. Parties to previous lawsuits:

Plaintiff(s):

Defendant(s):

2. Case number:

3. Name of Judge to whom case was assigned:

4. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?):

IV. STATEMENT OF CLAIM

State here, as briefly as possible, when, where, how, and by whom you feel your constitutional rights were violated. Do not include legal arguments or citations. If you wish to present legal arguments or citations, file a separate memorandum of law. If you intend to allege several related claims, number and set forth each claim in a separate paragraph.

SEE ATTACHMENT

IV STATEMENT OF CLAIM

KINKAD REEDS CONSERVANCY

In 1972 Kinkad Reeds Conservancy District of the property in question Eugene Kindle, Owner. The relation is my deceased father and Installed a water line through our property, which at the time destroyed our private drive and destroyed our crops and field while installing their water main. This property has been in our family since the 1940s.

As of today October 27, 2014 they still continue to use my private drive to maintain their equipments that is located on my private property. As recently as 2006 Kinkad came out on my property and bulldozed bushes and trees to gain access to their equipment that is located on my property. The documents will show that they are in violation of my property rights.

MURPHYSBORO STREET WATER & SANITATION DEPARTMENT

In 2006 I received a phone call that the city of Murphysboro and Kinkade Water District were doing some digging on my property. After investigating I discovered that the city of Murphysboro public works department had installed a water meter on my property and a large sewer line. In addition, they have taken a part of my private drive and now the city uses it as a public street. There were no "Easement or Right of Way" attained from me (Edward) or Eugene Kindle.

V. REQUEST FOR RELIEF (check as many boxes as appropriate)

Plaintiff requests that the court grant the following relief:

Compensatory damages in the amount of \$ _____.

Punitive damages in the amount of \$ _____.

An ordering requiring defendant(s) to: ^{PRODUCE} ~~SHOW~~ A Right of use of my Property
and to be compensated for PAST AND PRESENT USE of my Property

A declaration that: ~~TO SHOW RIGHT OF USE OF MY PROPERTY~~
SHOW RIGHT OF USE OF MY PROPERTY
SHOW ALL official city maps, Plats of location/area
that is in dispute.

Other:

VI. JURY DEMAND (check one box below)

Plaintiff ☒ does or ☐ does not request a trial by jury.

DECLARATION UNDER FEDERAL RULE OF CIVIL PROCEDURE 11

I certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11 may result in sanctions.

Signed on: NOV 1, 2014
(date)

Edward S. Kindle
Signature of Plaintiff

406 N. LEWIS AVE
Street Address

EDWARD S. KINDLE
Printed Name

WAUKEGAN, IL 60085
City, State, Zip